52

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

WRIT PETITION NO. 2109 OF 2005

PETITIONER Arun Kumar Agrawal, S/o. late Radheyshyam Agrawal, aged about 40 years, Resident of Seth Basant Lal Marg, Ambikapur (CG).

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Transport Department, Raipur.
2. Regional Transport Authority, Chhattisgarh, Raipur.
3. Akhilesh Pratap Singh, S/o. Shri A.P. Singh, Bus Operator, Kadupara, Ambikapur.

Present: Shri B.K. Rawat, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned G.A. for the State/respondents 1 and 2.
Shri Ajay Shrivastava, learned counsel for respondent No.3.

ORAL ORDER
(Passed on 21st February, 2006)

The writ petitioner, one Arun Kumar Agrawal by name, by no stretch of imagination, could be considered as an aggrieved person by the order dated 29-4-2005 made by the Regional Transport Authority, Chhattisgarh, Raipur, the second respondent herein, granting regular permit on the route Ghutritola to Ramanujganj via Manendragarh and Ambikapur in favour of the third respondent. It is contended that the second respondent ought not to have entertained the application dated 28-2-2005 filed by the third respondent for grant of regular permit on the aforementioned route, because, the State Government formulated the route by issuing a notification only on 31-3-2005. According to Shri B.K. Rawat, learned counsel for the petitioner, the second

respondent has power to consider the applications filed only after the route was formulated and notified by the State Government and not any application filed by any person before the date of notification. The contention of the learned counsel for the petitioner is not acceptable to the Court. The Regional Transport Authority is a donee of statutory power under the provisions of the Motor Vehicles Act, 1988 (for short 'the Act'). None of the provisions of the Act would insist that the Regional Transport Authority acquires power to grant regular permit only if an applicant makes an application after formulation of the route and its application by way of notification. The crux of the matter is whether the second respondent as on 29-4-2005, the day on which it made the order granting regular permit on the aforementioned route in favour of the third respondent, had legal authority or not. Undeniably, as on 29-4-2005, the second respondent had legal authority to consider the application of third respondent and pass appropriate orders. If the petitioner could have made an application on 31-3-2005 or any subsequent date, it will not stand to reason why simply because, an application made before 31-3-2005, but, which came for consideration before the second respondent after 31.03.2005, should be thrown out.

(2) Secondly, the petitioner has no *locus standi* to challenge the impugned order made in favour of the third respondent. It needs to be noticed that the petitioner is not a rival applicant for grant of regular or temporary permit on the aforementioned route. The only thing stated before the Court by Shri B.K. Rawat is that the petitioner too wanted to apply for grant of regular permit on the aforementioned route after the formulation of the route and issuance of notification in that regard, but, the fact remains that even after 31-3-2005 admittedly the petitioner did not make any application for grant of regular permit on the aforementioned route till 29-4-2005 or even

thereafterwards. The petitioner, it seems, for extraneous considerations, has filed this writ petition without any justification. The writ petition is, therefore, dismissed with costs quantified at Rs.3,000/-, payable to the third respondent, within two weeks from today.

Sd/-
Chief Justice